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Resolution 1539 (2004)

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The Security Council,

Reaffirming its resolutions 1261 (1999) of 25 August 1999, 1314 (2000) of 11 August 2000, 1379 (2001) of 20 November 2001, and 1460 (2003) of 30 January 2003 which provide a comprehensive framework for addressing the protection of children affected by armed conflict,

Recalling its resolution 1308 (2000) on the responsibility of the Security Council in the maintenance of peace and security: HIV/AIDS and International Peacekeeping Operations and its resolution 1325 (2000) on Women, Peace and Security,

While noting the advances made for the protection of children affected by armed conflict, particularly in the areas of advocacy and the development of norms and standards, *remaining deeply concerned* over the lack of overall progress on the ground, where parties to conflict continue to violate with impunity the relevant provisions of applicable international law relating to the rights and protection of children in armed conflict,

Recalling the responsibilities of States to end impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes and other egregious crimes perpetrated against children,

Reiterating its primary responsibility for the maintenance of international peace and security and, in this connection, its commitment to address the widespread impact of armed conflict on children,

Underlining the importance of the full, safe and unhindered access of humanitarian personnel and goods and the delivery of humanitarian assistance to all children affected by armed conflict,

Noting the fact that the conscription or enlistment of children under the age of 15 or using them to participate actively in hostilities in both international and non-international armed conflict is classified as a war crime by the Rome Statute of the International Criminal Court and *noting also* that the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict requires States parties to set a minimum age of 18 for compulsory recruitment and participation in hostilities and to raise the minimum age for

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voluntary recruitment from that set out in article 38, paragraph 3, of the Convention on the Rights of the Child and to take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities,

Stressing its determination to ensure respect for its resolutions and other international norms and standards for the protection of children affected by armed conflict,

Having considered the report of the Secretary-General of 10 November 2003 pursuant to paragraph 16 of its resolution 1460 (2003) and stressing that the present resolution does not seek to make any legal determination as to whether situations which will be referred in the Secretary-General's report are or are not armed conflicts within the context of the Geneva Conventions and the Additional Protocols thereto, nor does it prejudge the legal status of the non-State parties involved in these situations,

1. *Strongly condemns* the recruitment and use of child soldiers by parties to armed conflict in violation of international obligations applicable to them, killing and maiming of children, rape and other sexual violence mostly committed against girls, abduction and forced displacement, denial of humanitarian access to children, attacks against schools and hospitals as well as trafficking, forced labour and all forms of slavery and all other violations and abuses committed against children affected by armed conflict;

2. *Requests* the Secretary-General, taking into account the proposals contained in his report as well as any other relevant elements, to devise urgently and preferably within three months, an action plan for a systematic and comprehensive monitoring and reporting mechanism, which utilizes expertise from the United Nations system and the contributions of national Governments, regional organizations, non-governmental organizations in their advisory capacity and various civil society actors, in order to provide timely, objective, accurate and reliable information on the recruitment and use of child soldiers in violation of applicable international law and on other violations and abuses committed against children affected by armed conflict, for consideration in taking appropriate action;

3. *Expresses* its intention to take appropriate measures, in particular while considering subregional and cross-border activities, to curb linkages between illicit trade in natural and other resources, illicit trafficking in small arms and light weapons, cross-border abduction and recruitment, and armed conflict, which can prolong armed conflict and intensify its impact on children, and consequently *requests* the Secretary-General to propose effective measures to control this illicit trade and trafficking;

4. *Calls upon* all parties concerned to abide by the international obligations applicable to them relating to the protection of children affected by armed conflict, as well as the concrete commitments they have made to the Special Representative of the Secretary-General for Children and Armed Conflict, to UNICEF and other United Nations agencies, and to cooperate fully with the United Nations peacekeeping missions and United Nations country teams, where appropriate in the context of the cooperation framework between the United Nations and the concerned government, in the follow-up and implementation of these commitments;

5. *Takes note* with deep concern of the continued recruitment and use of children by parties mentioned in the Secretary-General's report in situations of

armed conflict which are on its agenda, in violation of applicable international law relating to the rights and protection of children and, in this regard:

(a) *Calls upon* these parties to prepare within three months concrete time-bound action plans to halt recruitment and use of children in violation of the international obligations applicable to them, in close collaboration with United Nations peacekeeping missions and United Nations country teams, consistent with their respective mandates;

(b) *Requests* the Secretary-General, in order to promote an effective and coordinated follow-up to this resolution, to ensure that compliance by these parties is reviewed regularly, within existing resources, through a process involving all stakeholders at the country level, including government representatives, and coordinated by a focal point to be designated by the Secretary-General and in charge of engaging parties in dialogue leading to time-bound action plans, so as to report to the Secretary-General through his Special Representative by 31 July 2004, bearing in mind lessons learned from past dialogues as contained in paragraph 77 of the Secretary-General's report;

(c) *Expresses* its intention to consider imposing targeted and graduated measures, through country-specific resolutions, such as, inter alia, a ban on the export or supply of small arms and light weapons and of other military equipment and on military assistance, against these parties if they refuse to enter into dialogue, fail to develop an action plan or fail to meet the commitments included in their action plan, bearing in mind the Secretary-General's report;

6. *Also takes note* with deep concern of the continued recruitment and use of children by parties in other situations of armed conflict mentioned in the Secretary-General's report, in violation of applicable international law relating to the rights and protection of children, *calls on* these parties to halt immediately their recruitment or use of children and *expresses*, on the basis of timely, objective, accurate and reliable information received from relevant stakeholders, its intention to consider taking appropriate steps to further address this issue, in accordance with the Charter of the United Nations, its resolutions 1379 (2001) and 1460 (2003) and the present resolution;

7. *Decides* to continue the inclusion of specific provisions for the protection of children in the mandates of United Nations peacekeeping operations, including, on a case-by-case basis, the deployment of child protection advisers (CPAs), and requests the Secretary-General to ensure that the need for, and the number and roles of CPAs are systematically assessed during the preparation of each United Nations peacekeeping operation;

8. *Reiterates* its requests to all parties concerned, including United Nations agencies, funds and programmes as well as financial institutions, to continue to ensure that all children associated with armed forces and groups, as well as issues related to children, are systematically included in every disarmament, demobilization and reintegration process, taking into account the specific needs and capacities of girls, with a particular emphasis on education, including the monitoring, through, inter alia, schools, of children demobilized in order to prevent re-recruitment and bearing in mind the assessment of best practices, including those contained in paragraph 65 of the report of the Secretary-General;

9. *Calls upon* States and the United Nations system to recognize the important role of education in conflict areas in halting and preventing recruitment and re-recruitment of children contrary to the obligations of parties to conflict;

10. *Notes* with concern all the cases of sexual exploitation and abuse of women and children, especially girls, in humanitarian crisis, including those cases involving humanitarian workers and peacekeepers, *requests* contributing countries to incorporate the Six Core Principles of the Inter-Agency Standing Committee on Emergencies into pertinent codes of conduct for peacekeeping personnel and to develop appropriate disciplinary and accountability mechanisms and *welcomes* the promulgation of the Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse;

11. *Requests* the agencies, funds and programmes of the United Nations, with support from contributing countries, to implement HIV/AIDS education and offer HIV testing and counselling services for all United Nations peacekeepers, police and humanitarian personnel;

12. *Welcomes* recent initiatives by regional and subregional organizations and arrangements for the protection of children affected by armed conflict and, in this regard, *notes* the adoption by ECOWAS of a peer review framework on the protection of children and the adoption of "Guidelines on Children and Armed Conflict" by the European Union and encourages such organizations and arrangements, in cooperation with the United Nations, to pursue their efforts, through, inter alia:

(a) Mainstreaming the protection of children affected by armed conflict into their advocacy, policies and programmes, paying special attention to girls;

(b) Developing peer review and monitoring and reporting mechanisms;

(c) Establishing, within their secretariats, child protection mechanisms;

(d) Including child protection staff and training in their peace and field operations;

(e) Undertaking sub- and interregional initiatives to end activities harmful to children in times of conflict, in particular, cross-border recruitment and abduction of children, illicit movement of small arms, and illicit trade in natural resources;

13. *Encourages* support for the development and strengthening of capacities of national and regional institutions and local and regional civil society networks to ensure the sustainability of local initiatives for advocacy, protection and rehabilitation of children affected by armed conflict;

14. *Reiterates its request* to the Secretary-General to ensure that in all his reports on country-specific situations, the protection of children is included as a specific aspect of the report and expresses its intention to give its full attention to the information provided therein when dealing with those situations on its agenda and in this regard stresses the primary responsibility of the United Nations peacekeeping missions and United Nations country teams, consistent within their respective mandates, to ensure effective follow-up to this and the other resolutions;

15. *Further requests* the Secretary-General to submit a report by 31 October 2004 on the implementation of this resolution and its resolutions 1379 (2001) and 1460 (2003) which would include, inter alia:

(a) Information on compliance and progress made by parties mentioned in his report in situations of armed conflict which are on the agenda of the Security Council, in accordance with paragraph 5, as well as by parties in other situations of armed conflict mentioned in his report, in accordance with paragraph 6, in ending the recruitment or use of children in armed conflict in violation of applicable

international law relating to the rights and protection of children, bearing in mind all other violations and abuses committed against children affected by armed conflict;

(b) Information on progress made regarding the action plan requested in paragraph 2 that calls for a systematic and comprehensive monitoring and reporting mechanism;

(c) The incorporation of best practices for DDR programmes outlined in his report;

16. *Decides* to remain actively seized of this matter.